

## REMARKS

### Summary of Office Action

Claims 1-6 were pending in the above-identified patent application.

The Examiner required information under 37 C.F.R. § 1.105.

The Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Vrij et al. "People's insight into their own behaviour and speech content while lying." British Journal of Psychology. London: May 2001. Vol. 92 Part 2. pg.373 (hereinafter "Vrij") in view of Barboza "Smith Barney agrees to Settle Bond Charges for \$2 Million." New York Times (Late Edition (East Coast)). New York, N.Y., Sep. 24, 1997 pg. D. 10 (hereinafter "Barboza").

### Applicant's Reply to the Requirement under 37 C.F.R § 1.105

The Examiner required information under 37 C.F.R. § 1.105. In particular, the Examiner stated that the information is required to identify publications embodying applicants' claimed subject matter.

The Examiner cited an article originally published in Barron's Magazine, dated June 24, 2006, entitled, "Is Your CEO Lying" (hereinafter "the article"). The article is about behavioral analyses of corporate executives performed by Business Intelligence Advisors ("BIA"), the assignee of this application. The article refers to a training video used by BIA of an April 2001 CNBC interview with a corporate executive who was later investigated and charged with securities fraud. The Examiner cited a portion of the article that states that BIA began using this training video in the "spring of 2001."\*

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\* Applicant wishes to point out that this training video was used internally during the spring of 2001. During that time

In response to this article, the Examiner has requested a) any known publications, brochures, manuals and press releases that describe BIA's services and/or products that were subject of the article including any material that describes analyzing a corporate disclosure for verbal and non-verbal deceptive behavior analysis and b) the names and descriptions of any products or services that have incorporated the claimed subject matter as of and subsequent to April 2001.

As will be described in greater detail below with respect to the rejections under 35 U.S.C. § 103(a), applicant has amended independent claims 1 and 6 to more particularly define the subject matter of the invention. Thus, applicant's response to this requirement under 37 C.F.R. § 1.105 relates to the subject matter of applicant's amended claims.

Responsive to this requirement, submitted herewith is an Information Disclosure Statement listing known and readily available publications, brochures, manuals and press releases that describe BIA's services and/or products that were subject of the article including any material that describe analyzing a corporate disclosure for verbal and non-verbal deceptive behavior analysis.

Further, BIA provides various research, analysis, and training services that may incorporate the claimed subject matter. These services include investor services, auditor services, training service, and global risk analysis services. Additional information about these services can be found at BIA's website <http://www.biadvisors.com> (copies of the relevant portions have been included in the Information Disclosure Statement submitted herewith).

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period, the video was not used as part of any products or services embodying applicants' claimed subject matter.

Applicant submits that the foregoing is fully responsive and is therefore a complete reply to the requirement under 37 C.F.R. § 1.105.

#### Applicant's Reply to the Prior Art Rejection

Applicant has amended independent claims 1 and 6 to more particularly define the invention. These amendments do not add new matter and are fully supported by the original specification. Support for these claims can be found, for example at paragraph 27-29 of applicant's specification.

Applicant's amended independent claims 1 and 6 are directed toward *inter alia* a method and system for analyzing a corporate disclosure made by a representative to determine clusters of deceptive behaviors. After a stimulus is given to the representative, a record of the disclosure is reviewed, for a pre-determined period of time, to determine presence of a cluster of two or more deceptive behaviors of the representative that are responsive to the stimulus. The type and number of deceptive behaviors present in the predetermined period of time are counted and noted within the record of the disclosure.

For example, applicant's amended independent claims provide a systematic approach for analyzing corporate disclosures for the presence of a cluster of deceptive behaviors. This systematic approach includes identifying a stimulus (e.g., a question) within a record of the disclosure and determining whether there is a cluster of two or more deceptive behaviors (e.g., a group of specifically defined verbal and non-verbal behaviors), within the record a pre-determined period of time after the stimulus, that are responsive to the stimulus. Reviewing the disclosure in this manner provides an objective measure (i.e., the type and number of deceptive behaviors in the cluster) of a level of deception in the corporate disclosure with respect to a

particular stimulus. This systematic approach can be used to analyze an entire corporate disclosure by measuring a level of deception for each stimulus within the disclosure.

To make out a *prima facie* case of obviousness, the cited references must teach or suggest all the claim limitations of the rejected claim. MPEP § 2143. However, taken alone or in combination neither Vrij nor Barboza shows or suggests all of the features recited by applicant's independent claims 1 and 6. Thus, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Vrij refers to an experiment described in the British Journal of Psychology that examines "participants' insight into their own behavior and speech content while lying" (Abstract). The authors state that "[o]ne of the most consistent findings in deception research is that people are poor at detecting lies" (p. 1, par. 3). As part of the experiment observers reviewed transcripts of interviews conducted with the experiment subjects and coded the interviews using the Criteria-Based Content Analysis (CBCA) method, which assesses the credibility of statements by determining the presence of certain criteria.

Neither Vrij nor the CBCA method referred to by Vrij use the systematic approach for analyzing corporate disclosures recited by applicant's claims. In particular, nothing in Vrij shows or suggests reviewing a record a pre-determined time after a stimulus to determine a cluster of deceptive behaviors that are responsive to the stimulus. Instead, Vrij looks for the presence of credibility criteria in participant's entire statement irrespective of a stimulus or an amount of time between the stimulus and the behavior. Applicant's claimed approach greatly enhances deception detection capabilities by clearly linking the deceptive response to the stimulus.

Furthermore, nothing in Vrij shows or suggests identifying a cluster of deceptive behavior and counting the

number of identified deceptive behaviors within the cluster. Rather, Vrij only refers to identifying whether or not each of an enumerated list of independently graded criteria are present within a transcript. According to applicant's approach, deceptive behaviors can be quantified and produce superior deception analysis depending on the total type and number of deceptive behaviors present in the response.

Thus, Vrij does not show or suggest all of the elements of applicant's amended independent claims.

Barboza is a newspaper article about a settlement that a brokerage firm made with the SEC, after it failed to properly supervise an employee in the underwriting of a municipal bond issue. The Bank hired a consultant to review some of its procedures in an attempt to prevent a similar occurrence. However, there is nothing in this article that relates in any way to analysis of corporate disclosures to find deceptive behaviors.

Accordingly, neither Vrij nor Barboza discloses or suggests all of the elements of applicant's independent claims. Further, the combination of features to which all of these references cumulatively contribute also falls short of applicant's claimed invention.

Accordingly, for at least this reason, applicant respectfully requests that the rejection of amended independent claims 1 and 6 under 35 U.S.C. §103(a) be withdrawn. Dependent claims 2-5 are also patentable at least because they depend from patentable independent claim 1. For at least this reason, applicant respectfully requests that the rejection of claims 2-5 under 35 U.S.C. §103(a) also be withdrawn.

#### The New Claims

Applicant has added new claims 7-10 in order to more particularly define the invention. New claims 7-10 do not add

new matter and are fully supported by the original specification. Support for these claims can be found, for example, at paragraph 27-29 of applicant's specification. New claims 7-10 depend from independent claim 1. For at least this reason, applicant respectfully submits that dependent claims 7-10 are also patentable.

### Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

/Michael J. Chasan/

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